

**REMARKS**

Consideration of the application is respectfully requested. Amendments have been made pursuant to 37 CFR 1.121. No new matter has been entered.

**STATUS OF THE CLAIMS**

Claims 1-17 are pending.

Claims 1-17 have been rejected.

Claims 1, 6, 11-13 and 16-17 are currently amended.

**DRAWING**

In paragraph 1 of the Office Action, the Examiner objected to the drawings. In response, the Applicant has amended FIG. 6B to change the number 641 to 642, and has amended FIG. 11 to include reference numeral 1199. FIG. 11 has also been amended to include broken clock faces described on page 27, lines 17-18 of the specification, and the corresponding reference numerals 1181 and 1182.

**SPECIFICATION**

In paragraph 2 of the Office Action, the Examiner objected to the specification. In response, the specification has been amended to include the reference numerals inadvertently omitted but shown in the drawings. Each objection and any corresponding correction are set forth below:

With regard to FIG. 3, reference numeral 100 is found on page 23, lines 26-27 of the specification which sets forth "I/O port 100 shown in FIG. 3." Thus, the objection related to reference numeral 100 should be withdrawn.

With regard to FIG. 4, the specification has been amended to include reference to a "power supply 311" in the paragraph at page 20, lines 3-13.

With regard to FIG. 5, the specification has been amended to include a description of those elements being referenced by numerals 530 and 540 in the paragraph at page 24, lines 9-15.

With regard to FIG. 6A, reference numerals 603, 613, 617, 621, 623, 627, 628, 631, 635, 639, 660 and 670 have been added to the specification, as appropriate.

With regard to FIG. 6B, reference numerals 643, 647, 660 and 670 have been added to the specification where appropriate. Reference number 641 in FIG. 6B has been changed to reference numeral 642 since step 641 in FIG. 6A is different from the originally numbered step 641 of FIG. 6B. Accordingly, supporting text has been added to the specification related to step 642 of FIG. 6B.

With regard to FIG. 11, the reference numeral 1180 has been added to the specification in the paragraph at page 26, lines 12-19.

### **CLAIMS**

#### **Claim Rejection – 35 USC 102**

#### **Rejection under 35 USC 102(e) as being anticipated by**

#### **U.S. Patent No. 5,850,218 to LaJoie et al.**

In paragraphs 3 and 4 of the Office Action, the Examiner rejected Claims 1-17 under 35 USC 102(e) as being anticipated by U.S. Patent No. 5,850,218 to LaJoie et al. ("LaJoie"). In response, the Applicant amended Claims 1, 6, 11-13 and 16-17 to better clarify the inventive features of the present invention.

**Applicant's Invention**

The Applicant recognized that there was no linkage or coordination between the process for recording and the process for purchasing programs, as described on page 2, lines 13-22. Applicant also recognized that a user who wanted to cancel a program from the purchase process or the record process would be required to perform the same canceling task twice which is time consuming and inefficient.

The Applicant solved the aforementioned problems by providing the user with (on screen) specific options to "BUY" 930 or "BUY AND RECORD" 940 a program, as best seen in FIG. 9. Thus, when the user wants to purchase a program and also wants to record such program, selection of the "BUY AND RECORD" option links the selected program and enters the program in a list of programs to be recorded and a list of programs purchased. This link further allows the canceling process of a purchased program to also automatically cancel the entry of the purchased program from the list of programs to be recorded. Thus, the canceling process becomes more efficient.

**LaJoie et al.**

LaJoie provides for conflict checking such as for timers, as described in column 21, beginning at line 30 through column 22, lines 1-15. LaJoie also discloses canceling a pending IPPV purchase, as described in column 22, lines 16-46 with reference to FIG. 13. LaJoie et al. further discloses canceling a timer for recording, in column 22, lines 47-67 with reference to FIG. 14.

Column 21, lines 43-49 of LaJoie states that:

*when attempting to record an IPPV event, set-top terminal 6 will display an interactive warning window 270 alerting the user that the IPPV event sought to be recorded has not been purchased. Interactive warning window 270 then allows the user to press "B" or "C" application definable keys 252 in order to either buy the IPPV event or cancel the warning.*

In column 29, lines 5-58 of LaJoie, the "One-Touch Recording" feature is described with reference to FIG. 25 and states that:

*The One-Touch Recording feature of the present invention also automatically warns the user if an attempt is made to record an Impulse Pay-Per-View program without having previously made arrangements to purchase the program.*

**Claims:**

With regard to Claim 1, LaJoie **does not** teach “an on screen user option to both purchase and record the selected program,” as claimed in amended Claim 1 of the present invention.

Instead, LaJoie only provides a “one-touch record” feature and a purchasing feature. Thus, LaJoie **does not** provide a single option for “both purchase and record” of a selected program.

In view of the foregoing remarks, amended Claim 1 is allowable over LaJoie and the corresponding rejection under 35 USC 102(e) should be withdrawn. Since Claims 2-5 depend from independent Claim 1, then for the same reasons set forth above with regard to Claim 1, these dependent claims are also allowable over LaJoie et al. and the corresponding rejection under 35 USC 102(e) should be withdrawn.

With regard to Claim 6, LaJoie **does not** teach “on screen user control option for selecting to both purchase and record a program,” as claimed in amended Claim 6. Amended Claims 11 and 12 contain similar language to that found in amended Claim 6.

In view of the foregoing remarks, amended Claims 6, 11 and 12 are allowable over LaJoie and the corresponding rejection under 35 USC 102(e) should be withdrawn. Since Claims 7-10 depend from Claim 6, then for the same reasons set forth above with regard to Claim 6, these dependent claims are also allowable over LaJoie et al. and the corresponding rejection under 35 USC 102(e) should be withdrawn.

With regard to Claim 13, LaJoie **does not** teach “receiving a selection of a displayed user option for both purchasing and recording of the selected second program” as claimed in amended Claim 13.

In view of the foregoing remarks, amended Claim 13 is allowable over LaJoie and the corresponding rejection under 35 USC 102(e) should be withdrawn. since Claims 14-15 depend from independent Claim 13, then for the same reasons set forth above with regard to Claim 13,

these dependent claims are also allowable over LaJoie et al. and the corresponding rejection under 35 USC 102(e) should be withdrawn.

With regard to Claim 16, LaJoie **does not** teach “removing, automatically, said second program from said first list if said second program appears on said first list,” as claimed in amended Claim 16. As acknowledged by the Examiner, LaJoie **does not** describe “removing, automatically” as claimed. The Examiner asserts that this “removing” would be inherent. Applicant **disagrees** with the Examiner’s findings in view of the LaJoie disclosure. LaJoie would more likely rely on the “conflict checking feature” described in column 21, lines 30-65, instead of the automatic removal, claimed by Applicant.

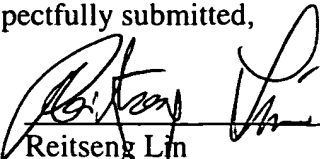
For example, LaJoie describes checking for a conflict of “record timers for unpurchased Impulse Pay-Per-View (IPPV) events.” Since canceling the purchased IPPV event would create a conflict if such purchased IPPV event is also to be recorded, LaJoie would first try to resolve the conflict via the “conflict check feature.” By contrast, the present invention’s claimed step provides for “removing, automatically”. Amended Claim 17, contains similar language to that found in amended Claim 16.

In view of the foregoing remarks, amended Claims 16 and 17 are allowable over LaJoie and the corresponding rejection under 35 USC 102(e) should be withdrawn.

### **CONCLUSION**

In view of the foregoing remarks and amendments, the Applicant believes that they have overcome all of the examiner’s basis for rejection, and that this application therefore stands in condition for allowance. However, if the Examiner is of the opinion that such action can not be taken, the Applicant requests that he contact their undersigned attorney in order to resolve any outstanding issues without the necessity of issuing another Office Action.

Respectfully submitted,

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**CERTIFICATE OF MAILING**

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to [Mail Stop Non-Fee Amendment], Commissioner for Patents, Alexandria, Virginia 22313-1450 on:

9-26-03  
Date

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